In the High Court for the States of Pun jab and Haryana at Chandigarh.

Crl. Rev. No. 858 of 2007 (O&M)
Decided on May 15,2007.

Ram Mehar Petitioner

vs.

State of Haryana and others Respondents.

Present: Mr. D.S.Nain, Advocate,for the petitioner

Pritam Pal,J: (Oral)

This is a Criminal Revision filed by the complainant against order dated October 25,2006, whereby an application moved by the Public Prosecutor, under Section 319 of Code of Criminal Procedure,for summoning the respondents, namely, Ganga ,Maya and Shamsher, as an accused, was dismissed.

Without going into any further details, suffice it to say that at the time of occurrence on October 20,2004, at about 6.30.p.m., Ram Mehar ,complainant in this case could identify only Bhajja and Randhir, who have already been charge-sheeted in this case. The respondents are closely related to aforesaid Bhajja and Randhir. The complainant and the respondents are stated to be of the same village, rather they are next

door neighbours to each other. Admittedly, none of the respondents, was named in the F.I.R by the complainant. During the course of investigation, respondent Nos. 2 to 4 were found innocent. It is only after examination-in-chief of the complainant that an application was moved by the Public Prosecutor, for summoning the aforesaid respondents under Section 319 of Cr.P.C. It is well settled that an application moved under Section 319 of Cr.P.C., should not be accepted on the basis of some suspicion in a mechanical manner, unless the Court is hopeful that there is reasonable prospect of case as against the newly brought accused ending in conviction of the offence concerned. Here, in the instant case, the learned Sessions Judge, has passed the speaking order and, thereafter the application of the Public Prosecutor was dismissed.

In the facts and circumstances of the case, no interference is called for in the impugned order. Hence, this Criminal Revision is hereby dismissed.

Even otherwise, in this case, an application for condonation of delay of 70 days,has also been moved. Since no case for admitting this Criminal Revision is made out, so no order is required to be passed on this application.

May 15,2007 (Pritam Pal)
RR Judge